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Paper No. 7

SONY ELECTRONICS INC.
INTELLECTUAL PROPERTY DEPARTMENT
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WOODCLIFF LAKE, NJ 07677-8402

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OFFICE OF PETITIONS

In re Application of
Neal Jacob Manowitz, et. al.
Application No. 09/782,067
Filed: February 12, 2001
Attorney Docket No. 50P3840.01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2004, to revive the above-identified application.

A review of the record discloses that on March 15, 2001, a Notice to File Missing Parts of Application (Notice) was mailed, setting a two (2) month period for reply. The Notice required (1) an executed oath or declaration, (2) the \$130 surcharge for the late filing of the oath/declaration and (3) substitute drawings in compliance with 37 CFR 1.84. Since no response was filed, the application became abandoned after midnight May 15, 2001. A Notice of Abandonment was mailed on October 20, 2003. In response on January 12, 2004, an executed declaration, including the \$130 surcharge, and the present petition were filed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The petition is **DISMISSED**.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b)

was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

While the Office acknowledges receipt of the executed declaration and the \$130.00 surcharge on January 12, 2004, petitioner did not submit the substitute drawings in compliance with 37 CFR 1.84, as required by the Notice mailed March 15, 2001. Consequently, the above-identified application cannot be revived until the substitute drawings are filed.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)", and the missing items noted above. Petitioner is advised that this is not a final agency decision.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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Alexandria, VA 22313-1450

By Hand: 2011 South Clark Place
Crystal Plaza Two, Lobby
Room 1B03
Arlington, VA 22202

The centralized facsimile number is (703) 872-9306.

Any questions concerning this matter may be directed to the undersigned at (703) 305-9220.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
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